Colfax, Schuyler.
Speech. The "laws"
of Kansas. 1856.

THE "LAWS" OF KANSAS.

SPEECH OF SCHUYLER COLFAX,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

JUNE 21, 1856.

The House being in Committee of the Whole on the state of the Union on the Army appropriation bill,

Mr. COLFAX said:

Mr. CHAIRMAN: I desire to give notice that I shall move, when we reach the third clause of the pending Army bill, the following amendment; and I read it now, because the remarks I shall make to-day are designed to show its necessity.

"But Congress, hereby disapproving of the code of alleged laws officially communicated to them by the President, and which are represented to have been enacted by a body claiming to be the Territorial Legislature of Kansas, and also disapproving of the manner in which said alleged laws have been enforced by the authorities of said Territory, expressly declare that, until these alleged laws shall have been affirmed by the Senate and House of Representatives as having been enacted by a legal Legislature, chosen in conformity with the organic law by the people of Kansas, no part of the military force of the United States shall be employed in aid of their enforcement; nor shall any citizen of Kansas be required, under their provisions, to act as a part of the *posse comitatus* of any officer acting as marshal or sheriff in said Territory."

My especial object to day is to speak relative to this code of laws, now in my hand, which has emanated from a so-called Legislative Assembly of Kansas; and for the making of which your constituents, in common with mine, have paid their proportion—the whole having been paid for out of the Treasury of the United States In speaking of the provisions embodied in this voluminous document, and of the manner in which these "laws" have been enforced, I may feel it my duty to use plain and direct language; and I find my exemplar, as well as my justification for it, in the unlimited freedom of debate which, from the first day of the session, has been claimed and exercised by gentlemen of the other side of the House. And, recognising that freedom of debate as we have, to the fullest extent, subject only to the rules of the House, we intend to exercise it on this side, when we may see fit to do so, in the same ample manner. Hence, when we have been so frequently called "fanatics," and other epithets of denunciation, no one on these seats has even called gentlemen of the other side to order. When it has pleased them to denounce us as Black Republicans or colored Republicans, we have taken no exception to the attack, for we regard freedom of speech as one of the pillars of our free institutions. When, not content with this, they have charged us with implied perjury, in being hostile to the Constitution, and unfaithful to the Union, we have been content to leave the world to judge between us and our accusers—a scrutiny in which principles will have more weight than denunciation. In spite of all these attacks we have not been moved to any attempt to restrict the most perfect and unlimited freedom of speech on the part of our denouncers; for we acknowledged the truth of Jefferson's sentiment, that "Error ceases to be dangerous, when Reason is left free to combat it."

If that constitutional safeguard of our rights and liberties, free speech in debate, is to be recognised anywhere, it should certainly be recognised, enforced, and protected, in this House. Every Representative of a free constituency, if worthy of that responsible position, should speak here at all times, not with "bated breath," but openly and fearlessly, the sentiments of that constituency; for, sir, it is not alone the two hundred and thirty-four members of this House who mingle in this arena of debate; but here, within this bar, are the teeming millions of American freemen, not individually participating, as in Athens in the olden time, in the enactment of laws and the discussion and settlement of the foreign and domestic policy of the nation; but still, sir, participating in the persons of their Representatives, whom they have commissioned to speak for them, in the important questions which are presented for our consideration. Here, in this august presence, before the whole American people, thus represented, stand, and must ever stand, States and statesmen, legislators and jurists, parties and principles, to be subjected to the severest scrutiny and the most searching review. Here Alabama arraigns Massachusetts, as she has done through the mouth of one of her Representatives but a few weeks since; and here Massachusetts has equally the right to arraign any other State of the Confederacy. And while the Republic stands, this freedom of debate, guarantied and protected by the Constitution, must and will be sustained and enforced on this floor

Mr. Chairman, I feel compelled, on this occasion, therefore, by truth, and by a conscientious conviction of what I know to be the feelings of my constituents—for whom I speak as much as I do for myself—to denounce, as I do this day, the "code" of the so called Legislature of Kansas, as a code of tyranny and oppression, a code of outrage and of wrong, which would disgrace the Legislature of any State of the Union, as it disgraces the Goths and Vandals, who, after invading and conquering the Territory, thus attempted to play the despot over its people, and to make the white citizens of Kansas greater slaves than the blacks of Missouri. No man can examine the decrees of Louis Napoleon, no matter how ignorant he may have been of the procession of events in France for the past six years, without having the conviction forced upon his mind that they emanated from an usurper and a despot. The very enactments embodied in these decrees bear testimony against him. The limitations on the right of the subject; the mockery of the pretended freedom of elections which he has vouchsafed to the people; the rigid censorship of the press; the shackles upon the freedom of speech; all combine to prove that they emanate from an autocrat, who, however men may differ as to the wisdom of his statesmanship, undoubtedly governs France with a strong arm and an iron rule. And so, sir, no unprejudiced man can rise from a candid perusal of this code without being thoroughly convinced that it never emanated from a Legislature voluntarily chosen by the people whom it professes to govern, but that it was dictated and enacted by usurpers and tyrants, whose leading object was to crush out some sentiment predominant amongst that people, but distasteful and offensive to these usurping legislators. I know this is a strong assertion; but, in the hour of your time which I shall occupy, I shall *prove* this assertion from the *intrinsic* evidence of the code itself.

Before I proceed to make an analysis of these laws, which I hold were never legally enacted, were never fit to be made, nor fit to be obeyed by a free people, let me say a few words in regard to the manner in which they have been administered and enforced. We have heard of murder after murder in Kansas—murders of men for the singular crime of preferring Freedom to Slavery; but you have not heard of one single attempt by any court in that Territory to indict any one of those murderers. The bodies of Jones, of Dow, of Barber, and others, murdered in cold blood, are moaldering away and joining the silent dust; yet one of the murderers this very day holds a Territorial office in Kansas, and another of them holds an office of influence and rank under the authority of the General Government, while neither the Territorial nor the General Government inquire into the crimes they have committed, or the justification for their brothers' blood that stains their hands.

I wish first, Mr. Chairman, to speak of the manner in which the Chief Justice, sitting as the supreme judicial officer of the Territory of Kansas, has performed the functions of his office. I have no imputation to make upon him as a man of moral character or of judicial ability. I know nothing in regard to either. I do not say he has wilfully and corruptly violated his official oath; for I can say *that* authoritatively in only one way—and that is, by voting for his impeachment. I shall not comment, sir, on the extraordinary manner in which he has enforced the Kansas code, with Draconian severity, against all who advocated Freedom for Kansas, but with a serene leniency towards all who did not; pushing its severest provisions to the extremest point in the one case, and forgetting, apparently, that it contains any penalties whatever in the other. But I desire to draw the attention of the House to the fact, proven by the code itself, that this "Legislature" have used every exertion within *their* power to make that Judge the *interested* champion and advocate of the validity of their enactments. Pecuniary interest, sir, is a powerful argument with mankind generally. We all see and we all recognise this fact as a truism which no logician denies. The Administration that gives a man an extensive or a profitable contract may reasonably expect to find in him a supporter. The Legislature that confers on a man a valuable charter, would have a right to feel surprised if he did not decide in favor of the legality and the constitutionality of their enactments; as well as use all of his influence in their favor, if their authority to act as grantors was disputed, and if his charter fell to the ground as worthless, in case their right to grant it was overthrown. It is true, some men are so pure as not to be affected by such things; but in the generality of cases, the human mind cannot fail to be thus influenced, even if it is not absolutely controlled.

Now, if you will turn to the concluding portion of this "code of laws," you will find one hundred and forty pages of it, over one-sixth of the whole, devoted to corporations, shingled in profusion over the whole Territory, granting charters for railroads, insurance companies, toll bridges, ferries, universities, mining companies, plank roads, and, in fact, all kinds of charters that are of value to their recipients, and more, indeed, than will be needed there for many years. No less than four or five hundred persons (not counting one hundred Territorial road commissioners) have been thus incorporated, and have been made the recipients of the bounty of the legislation of Kansas, making a great portion, if not all of them interested advocates to sustain the legality of those laws now in dispute before the American people. I need scarcely add, that the name of nearly every citizen of Kansas who has been conspicuous in the recent bloody scenes in that Territory on the side of Slavery, can be found among the favored grantees; and all of them know that, if that Legislature is

proved to be illegal and fraudulent, their grants become valueless.

In quoting from this code of the laws of the Legislature of Kansas, I desire to state that I quote from Executive document No. 23, submitted to this House by the President of the United States, and printed by the public printer of Congress. It is entitled "Laws of the Territory of Kansas," and forms a volume of eight hundred and twenty-three pages. I notice that many members have a copy of this code before them now; and as many people, as they discuss these enactments around the hearthstone at home, cannot believe that they are authentic, I will take pains to quote the section and page of every law I allude to, and will say to gentlemen upon the other side, that if they find me quoting incorrectly in a single instance, or in the minutest particular, essential or non-essential, I call upon them to correct me on the spot.* I wish to lay the exact truth, no more, no less, from this official record itself, authenticated as it is by the President of the United States himself, before Congress and the American people.

You will find in this code of laws, that Mr. Isaacs, the district attorney of Kansas, figures in four acts of incorporation, and cannot fail, therefore, to believe in the legality of their enactment. Mr. L. N. Reese figures in three more; Mr. L. J. Eastin in three; Stringfellow in three, of course; and R. R. Reese in five—all of them earnest defenders of the code and its provisions, as might be expected. But I desire more particularly to show you the incorporations in which the Territory of Kansas *have given an interest to the Chief Justice of the Territory, Judge Lecompte*, sitting though he does upon the judicial bench, to decide upon the validity of these Territorial laws. You will find him, on page 788, incorporated as one of the regents of the Kansas University; but I pass by that, as of very little moment. At page 760 you will find a charter for the Central Railroad Company, with a capital of $1,000,000, in which S. A. Lecompte is one of the corporators. The Chief Justice's name is S. D. Lecompte; and as I cannot hear of any other person of the name of Lecompte in the Territory, I have no doubt that this is a misprint in the middle initial, and that *his* name was intended. But I will give him the benefit of the doubt, and pass over this charter. On page 769 you find another charter, in which Chief Justice S. D. Lecompte figures as a corporator. It is the charter of the Leavenworth, Pawnee, and Western Railroad, which, in the opinion of many, is destined to be a link in the great Pacific Railroad, or at least an important section in one of its branches. It is chartered with a capital of $5,000,000, and five years' time is given for the grantees to commence the work. This charter, valuable as it must become as the Territory advances in population and wealth, is presented as a free gift to Judge Lecompte and his associates by the mock Legislature of Kansas. Of course, in all these charters the directors are to open books for the subscription of stock, keeping them open "as long as they may deem proper;" no barrier existing against their subscribing the whole stock themselves, the moment that the books are opened, if they choose so to do. But I desire to draw attention *particularly* to another grant, to be found on page 774, in which this same impartial Judge, S. D. Lecompte, with nine other persons, are incorporated as the Leavenworth and Lecompton Railroad; and I ask you to notice, and explain, if you can, the difference which exists between that and other incorporations.

In the first place, the other railroad charters are granted to certain persons in *continuous* succession. In this charter, with a capital of $3,000,000, for a railroad from Leavenworth to his favorite city of Lecompton, (which was made the capital of the Territory by this same Legislature,) with an indefinite and unrestrained power to build branch railroads from the capital in any and every direction, Judge Lecompte and his associates, including Woodson, the Secretary of the Territory, are granted *perpetual* succession. In section 21, page 777, there is this special exception, which, though brief in its language, is momentous in its importance, for the benefit of Judge Lecompte & Co.:

"That sections seven, thirteen, and twenty, of article first, and so much of section eleven, article second, as relates to stock owned, of an act concerning corporations, shall not apply to this act."

In the examination which I gave to these laws, it struck me that this exception of this charter, for the benefit of Lecompton and Lecompte, from the provisions of the general law relative to corporations, was singular, to say the least; and I turned back to the general law, to see the character of the provisions thus suspended, so far as this act was concerned; and the proof that it furnishes of the *intention*, on the part of the Legislature, to make Judge Lecompte *interested* in their behalf, is so strong, that I will refer you to these sections as circumstantial evidence of no ordinary character.

Section seven of the general corporation law (see page 164) provides as follows:

"The charter of every corporation that shall hereafter be granted by law, shall be subject to *alteration*, suspension, or repeal, by any succeeding Legislature: *Provided*, such alteration, suspension, or repeal, shall in no wise conflict with any right vested in such corporation by its charter."

But in Lecompte's charter, the power even to amend it is, by the suspension of the above section, withheld from any "succeeding Legislature," even if said Legislature, or the people of Kansas, unanimously desired its amendment.

Sec. 13 (page 165) makes the stockholders of all corporations *individually liable* for its debts. But this, too, is suspended by the mock Legislature of Kansas, for the benefit of Judge Lecompte.

* The pages referred to are numbered in accordance with the Official Reprint of the Laws by Congress, of which each Member has a copy, and not the pages of the edition printed in Kansas. All the Sections, however, are generally quoted in full, they can easily be traced by any person having the latter edition.

Section twenty (see page 166) makes *directors* liable for debts incurred by them exceeding the capital stock. But this, also, is suspended in Judge Lecompte's charter, and *he* is one of the directors of the road.

But there is still another extraordinary provision in this charter, which I find in no other grant of this Legislature. Section fifteen (page 776) provides:

"If said company shall require for the construction or repair of said road, any stone, gravel, or other materials, from the land of any person adjoining to or NEAR said road, and CANNOT contract for the same with the owner thereof, said company may proceed to take possession of and use the same, and have the property assessed." &c.

Not only are they empowered to take stone, gravel, and other materials, including timber, of such great value in Kansas, from land through which the road runs, but also from "adjoining" tracts; and still further, from tracts "NEAR said road," which may be construed to mean one mile, or five miles, or ten miles off, as the case may be. And if the owner refuses to part with his timber or gravel, the company are authorized to take it first, and pay for it afterwards; and the man who resists, and seeks to protect his own property, would be amenable to the penalties of this bloody code for resisting "the laws of Kansas." What was the object of these extraordinary grants and privileges to Judge Lecompte and his associates, I submit for the American people to decide.

Before I leave this Judge—the central figure as he is of the group of men in Kansas who are using the power of the Judiciary as it was used during "the bloody assizes" in England and the Reign of Terror in France, to enforce the decrees of tyranny—I must call attention to his charge to the last grand jury which he addressed in Kansas; and in which, instead of alluding to the destruction of property of Free State men by unauthorized mobs; to the tarring and feathering, and other personal outrages, to which many of them had been subjected; to the repeated invasions of the Territory by armed marauders, of which he had been a witness; and to the murders of unoffending Free State men, of which he could not have failed to hear; his virtuous desire to uphold "the laws" found vent in another direction—the direction of persecution instead of protection. I quote from this extraordinary charge, as published in the *National Intelligencer* of this city, of June 5, 1856, the following extraordinary paragraphs:

"This Territory was organized by an act of Congress, and, so far, its authority is from the United States. It has a Legislature, elected in pursuance of that organic act. This Legislature, being an instrument of Congress by which it governs the Territory, has passed laws. These laws, therefore, are of *United States authority and making*; and all that resist these laws, resist the power and authority of the United States, and are therefore *guilty of high treason*.

"Now, gentlemen, if you find that any persons have resisted these laws, then you *must*, under your oaths, find bills against such persons for high treason. If you find that no such resistance has been made, but that combinations have been formed for the purpose of resisting them, and individuals of influence and notoriety have been aiding and abetting in such combinations, then *must* you still find bills for constructive treason." &c.

Mr. Chairman, I am no lawyer; but I think I understand the force of the English language; and when I read in the Constitution of the United States that "Treason against the United States shall consist ONLY *in levying war against them, or in adhering to their enemies*, giving them aid and comfort," I do not hesitate to brand that charge of Judge Lecompte, under which Governor Robinson was indicted for treason, and is now under confinement and refused bail, as grossly, palpably unjust, and wholly unauthorized by the Constitution. To concede his argument, that to resist, or "to form the purpose of resisting," the Territorial laws, is treason against the United States, because Congress authorized a Legislature to pass laws, leads you irresistibly to the additional position, that to resist the orders of the county boards created by that Legislature is also treason, for these boards are but one further remove from the fountain-head of power. And thus, sir, "the extreme medicine of the Constitution would become its daily bread;" and the man who even objected to the opening of a road through his premises, would be subject to the pains and penalties of treason. No, sir; that charge is only another link in the chain of tyranny, which the Pro-Slavery rulers of that Territory are encoiling around its people. And when the defenders of these proceedings ask us to trust to the impartiality of courts, I answer them by pointing to this charge, and also to the judicial decrees of the Territory, by authority of which numbers of faithful citizens of the United States have been indicted, imprisoned, and harassed—by authority of which the town of Lawrence was sacked and bombarded—by authority of which printing presses were destroyed, without legal notice to their owners, and costly buildings cannonaded and consumed, without giving the slightest opportunity to their proprietors to be heard in opposition to these decrees; all part and parcel of the plot to drive out the friends of Freedom from the Territory, so that Slavery might take unresisted possession of its villages and plains.

It might have been supposed that, at least, one of those rights dear to all American freemen—the trial by an impartial jury—would have been left for the people of Kansas unimpaired. But when the invaders and conquerors of Kansas, in their border ruffian Legislature, struck down all the rights of freemen, they did not even leave them this, with which they might possibly have had some chance of justice, even against the hostility of Presidents, the tyranny of Governors, and the hatred of Judges. No jurors, sir, are drawn by lot in the Territory. But the first section of the act concerning jurors (see page 377) enacts that "All courts, before whom jurors are required, may order the *marshal, sheriff*, or other officer, to *summon* a sufficient number of jurors"

The whole matter is left to the discretion of these officers; and Marshal Donaldson or "Sheriff Jones" pack juries with just such men as they prefer, and whom they know will be their willing instruments. For a Free State man to hope for justice from such a jury, charged by such a Judge as Lecompte, would be to ask that the miracle by which the three Israelites passed through the fiery furnace of their persecutors unscathed, should be daily re-enacted in the jurisprudence of Kansas. Nay, more, sir—to make assurance doubly sure, the same law in regard to jurors excludes all but Pro-Slavery men from the jury-box in all cases relating directly or indirectly to Slavery; for here is its thirteenth section, (page 378:)

"No person who is *conscientiously opposed* to the holding slaves, or who *does not admit* the right to hold slaves in this Territory, shall be a juror in any cause in which the right to hold any person in slavery is involved, nor in any cause in which any injury done to, or committed by, any slave, is in issue, nor in any criminal proceeding for the violation of any law enacted for the protection of slave property, and for the punishment of *crime* committed against the right to such property."

I leave this dark picture of the jurisprudence of Kansas, and turn now to the laws themselves—"laws" that were, as late as the 9th of February, 1856, over two months after the opening of this session, thus spoken of by the Detroit *Free Press*, the organ of General Cass, and one of the leading Democratic papers of the Northwest:

"But the President should pause long before treating as 'treasonable insurrection' the action of those inhabitants of Kansas who deny the binding authority of the Missouri-Kansas Legislature; for, in our humble opinion, a people that would not be inclined to rebel against the acts of a legislative body *forced upon them by fraud and violence, would be unworthy the name of American. If there was ever justifiable cause for popular revolution against a usurping and obnoxious Government, that cause has existed in Kansas.*"

The President of the United States has declared, in his special message to Congress, in his proclamation, and in his orders to Governor Shannon and Colonel Sumner, through his Secretary of State and Secretary of War, that this code of Territorial laws is to be enforced by the full exercise of his power. He has, of course, read them, and knows of their provisions. He *must* know that they trample even on the organic law, which his official signature breathed into life. He *must* know that they trample on the Constitution of the United States, which he and we have sworn to support. Reading them as he has, he could have chosen rather to support the law of Congress and the national Constitution; but he preferred to declare publicly his intention of assisting, with all his power and authority, the enforcement of this code, which repudiates both. The National Democratic Convention also, at Cincinnati, denounced "treason and armed resistance to the laws" in a marked and special manner; and if there was any doubt as to the object of this denunciation, the speech of the author of the Nebraska bill himself, Mr. DOUGLAS, at the ratification meeting in this city, a few nights since, shows plainly its "intent and meaning." Wishing to do no injustice to any one, I quote from his speech, as reported in the National Democratic organ here, the *Washington Union*, of June 10, which I hold in my hand:

"The platform was equally explicit in reference to the *disturbances* in relation to the Territory of *Kansas*. It declared that treason was to be punished, and resistance to the laws was to be put down." * * * *

"He rejoiced that the Convention, by a unanimous vote had approved of the creed that law must and shall prevail [Applause.] He rejoiced that we had a standard-bearer [Mr. Buchanan] with so much wisdom and nerve as to enforce a firm and undivided execution of *those laws*."

And Mr. Buchanan, after the nomination, replied to the Keystone Club, who called on him on their return from Cincinnati, as follows:

"Gentlemen, two weeks since I should have made you a longer speech, but *now I have been placed upon a platform of which I most heartily approve, and that can speak for me.* Being the representative of the great Democratic party, and not simply James Buchanan, I must square my conduct according to the platform of that party, and insert no new plank, nor take one from it. That platform is sufficiently broad and national for the whole Democratic party."

I shall now proceed to show you no less than *seven palpable violations of the organic law*, (the Nebraska bill,) incorporated into this code by the bogus Legislature which enacted it. The President, Judge Douglas, and Mr. Buchanan, who are all pledged "to enforce these Territorial laws," cannot have failed to notice that the conquerors of Kansas enacted their code, regardless of whether its provisions coincided with the organic law or not; but, nevertheless, where they differ, the law of the United States is to be ignored, and the Pro-Slavery behests of the Kansas invaders are to be carried out at the point of the bayonet, if necessary.

First. Section twenty-two of the Nebraska bill enacts that the House of Representatives in Kansas shall consist of twenty-six members, "whose term of service *shall continue one year.*" That does not mean eighteen, nineteen, or twenty months, but "one year," and one year only. The Legislature of Kansas was elected on the 30th day of March, 1855—a day which has become famous from the discussions in this House and elsewhere in regard it; and, sir, if you will turn to page 280 of this Kansas code, you will see that there is not to be an election for members of the lower House of the Legislature until the first Monday in October, in the year 1856—over eighteen months after the first Legislature was elected. If you turn, then, to page 403, you will find that no regular session of that Legislature is to be held until January, 1857; so that the term of that House of Representatives, in defiance of the organic law, is prolonged to twenty-two months instead of twelve months. Sir, their term has expired now. There is no Legislature in the Territory of Kansas this day; and therefore, in the language of the Declaration of Independence, "the legislative powers, incapable of annihilation, have returned to the people at large for

their exercise." For exercising them, however, in no conflict with the Territorial Government, but carefully avoiding it, and abstaining from putting any legislation in force, but only organizing as a State to apply for admission here, as "a redress for their grievances"—for doing this, the court of Judge Lecompte arraigns them for treason, and scatters its indictments all over the Territory.

Second. The same section of the Kansas organic law says that the members of the council shall serve for "two years;" but their term has been prolonged in the same manner to *nearly three years*, so that the councillors elected in March, 1855, remain in office until the 1st of January, 1858—longer than a member of this House holds his seat by the authority of his constituents. And it is to this Legislature, the Senatorial branch of which, even if legally elected, should expire in nine months from this time, but which, in defiance of the organic law, have taken upon themselves to extend their term to a period nineteen months distant, that Judge Douglas desires, in his bill, to submit the question of when a census shall be taken preparatory to admission as a State, and to clothe them with the superintendence of the movements in the Territory, preliminary to said admission. When we have investigated to day the "constitutionality," the "justice," the "impartiality," the "humanity," of their acts thus far, no one will need to ask, why I am not willing, for one, to give them the slightest degree of power or authority hereafter, but, on the contrary, desire to take from them that which they have illegally usurped and tyrannically exercised.

But, if to these two points it is replied that the term of the House of Representatives was *intended* by this mock Legislature to expire on the 30th of March, 1856, ten months before the new House takes its seat, and the Council, in March, 1857, ten months before the new Council meets, it follows that, though the Nebraska bill extended "popular sovereignty" by giving the President absolute control of two of the three branches of the Government, the Executive and Judicial, and left to the people only the Legislative, subject to a two-thirds veto of the President's Governor, this Legislature so legislates that there is no House of Representatives there from March, 1856, to January, 1857—and no Council from March, 1857, to January, 1858—in a word, so that there can be no Legislature in the Territory from March, 1856, to January, 1858, except from January to March, 1857, RARELY TWO MONTHS OUT OF TWENTY TWO!

Third. The next violation of the organic law is the enacting of a Fugitive Slave Law in that Territory; although, by section twenty-eight of the Nebraska bill, the Fugitive Slave Law of the United States was declared "to extend and be in full force within the limits of the Territory of Kansas." This is one of the violations that I do not complain much about, for, in some respects, the Territorial law is milder than the national one, and requires the slave claimant to pay the costs in advance; but I allude to it to show the utter recklessness of the Kansas legislators, and their disregard of the law of Congress. By this law, (sections 28 and 29, page 329,) persons are prohibited from taking fugitives from the Territory, except in accordance with *its* provisions, and are fined $500 if they do so.

Fourth. The expenses of the Territory are paid, as is well known, out of the National Treasury; and section thirty of the Nebraska bill enacts that the chief clerk of the Legislature shall receive four dollars per day, and the other clerks three dollars per day. But on page 441 of the Kansas code, you will find an extra douceur to the clerks, of fifteen and twenty cents per hundred words for indexing and copying journals; on page 145, another law, declaring that, if the Secretary (then acting as Governor, after Governor Reeder's removal) should refuse his assent to the above, the chief and assistant clerks should receive $100 each out of the Treasury, besides their per diem; and on the next page, page 146, the pay of the enrolling and engrossing clerks is increased to four dollars per day, on the like contingency, although the organic law expressly fixed it at three dollars per day. The legislators acted as if they had not only conquered the people of Kansas, but the National Treasury also.

Fifth. Section twenty two of the organic law gives the Governor, exclusively, the right of determining who were elected members of the Legislature. He did so, throwing out about one third of the members elected at the first election, the reign of terror and of violence preventing more contests of other equally fraudulent returns. But the Legislature, when assembled, without examination of the merits of each case, and without authority to commit such an act at all, threw out all the members elected at the second election, and admitted in their stead those whose right to seats the Governor had expressly denied.

Sixth. Section twenty four of the organic law enacts:

"That the legislative power of the Territory shall extend to all rightful subjects of legislation consistent with the Constitution of the United States; but *no law shall be passed interfering with the primary disposal of the soil.*"

But if you will turn to page 600, you will see how coolly this bogus Legislature ignores both the Nebraska bill and the pre-emption law; for it declares, as if *they* owned the soil, that in actions of trespass, ejectment, &c., settlers shall be *protected* in their pre-emptions, not of one hundred and sixty acres, but of three hundred and twenty acres; "that such claim may be located in two different parcels, to suit the convenience of the holder," "without being compelled to prove an actual enclosure;" and the still more flagrant repudiation of the Con-

gressional pre-emption law, that "occupancy by tenant shall be considered equally valid as personal residence," under which the whole Territory may be pre-empted by Missourians. And this law, with the others, is to be enforced by the President!

Seventh. Section thirty of the Nebraska bill enacts that the official oath to be taken by the Governor and Secretary, the Judges, "*and all other civil officers in said Territory*," shall be "to support the Constitution of the United States, and faithfully to discharge the duties of their respective offices." No more—no less. But the legislators of Kansas, with the same disregard of the Congressional law that marked their other acts, enacted another kind of official oath, on page 438 of their code, as follows:

"SEC. 1. *All officers* elected or appointed under any existing or subsequently-enacted laws of this Territory, shall take and subscribe the following oath of office: 'I, ——, do solemnly swear, upon the holy Evangelists of Almighty God, that I will *support* the Constitution of the United States, and that I will *support and sustain* the provisions of an act entitled "An act to organize the Territories of Nebraska and Kansas," and the provisions of the law of the United States commonly known as the "*Fugitive Slave Law*" and faithfully and impartially, and to the best of my ability, demean myself in the discharge of my duties in the office of ——; so help me God.'"

You cannot fail to notice that, in this new oath, framed by the bogus Legislature, the Fugitive Slave Law is elevated to a "higher law" than the Constitution; for the officer is merely to "support" the latter, but is required to swear that he will "support AND SUSTAIN" the other.

Besides these seven palpable, flagrant, and unconcealed violations of the organic law, organizing the Territory, I point you now to *five equally direct and open violations of the Constitution of the United States;* for that instrument has been trampled upon as recklessly as the laws of Congress.

First. The very first amendment to the Constitution of the United States prohibits the passage of any law "abridgiug the freedom of speech;" and it is a significant fact, as can be learned from Hickey's Constitution, page 33, that this, with a number of other amendments to the Constitution which follow it, was submitted by Congress to the various States in 1789, immediately after the adoption of the Constitution itself, with the following preamble:

"The conventions of a number of States having, at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its power, that further declaratory and restrictive clauses should be added."

Therefore the amendments that followed were proposed.

Thus it is conclusively proven that the amendment prohibiting any abridgement of the freedom of speech was adopted to prevent "*an abuse of power*," which our forefathers feared might be attempted by some degenerate descendants at some later period of our history. But, though they thus sought to preserve and protect free speech, by constitutional provision, their prophetic fears have been realized by the enactors of the Kansas code. Its one hundred and fifty-first chapter, on pages 604 and 605, is entitled, "An act to punish offences against slave property;" and there is no decree of Austrian despot or Russian Czar which is not merciful, in comparison with its provisions. Here, sir, in the very teeth of the Constitution, is section twelve of that chapter:

"If any free person, *by speaking* or by writing, assert or *maintain that persons have not the right to hold slaves in this Territory*, or shall introduce into this Territory, print, publish, write, circulate, or cause to be introduced into this Territory, written, printed, published, or circulated, in this Territory, *any book*, paper, magazine, pamphlet, or circular, *containing any denial* of the right of persons to hold slaves in this Territory, such person shall be deemed GUILTY OF FELONY, and punished by imprisonment at hard labor for a term of not less than two years."

How many more than two years he shall be punished, is left to the tender mercy of Judge Lecompte, and the jury which "Sheriff Jones" will select for their trial. The President of the United States has sworn to support the Constitution; but this, with the other "laws of Kansas," are to be enforced by him, despite that Constitution, with the army of the United States; and Mr. Buchanan is pledged by Judge Douglas to "the firm and undivided execution of those laws." But, sir, in a few short months the people, the free people of the United States, will inaugurate an Administration that will do justice to the oppressed settlers of Kansas, that will restore to them their betrayed rights, will vindicate the Constitution, and will place in the offices of trust of that ill-fated Territory men who will overthrow the "usurpation," give their official influence to Freedom and the Right, rather than to Slavery and the Wrong, and protect rather than oppress the citizens whom they are called upon to govern and to judge.

Second. The same constitutional amendment prohibits the passage of any law "abridging the freedom of the press;" and here, sir, in flagrant violation of it, is the 11th section of the same law in the Kansas code, page 605:

"If any person *print, write*, introduce into, publish, *or circulate*, or cause to be *brought into*, printed, written, published, or *circulated* or shall knowingly aid or assist in bringing into, printing, publishing, or circulating, within this Territory, any *book, paper*, pamphlet, magazine, handbill, or circular, containing any statements, arguments, *opinion, sentiment*, doctrine, advice, or innuendo, *calculated* to produce a *disorderly*, dangerous, or rebellious disaffection among the slaves in this Territory, or to induce such slaves to escape from the service of their masters, or to resist their authority, he shall be guilty of felony, and be punished by imprisonment and hard labor for a term not less than five years."

And, under this atrociously unconstitutional provision, a man who "brought into" the Territory of Kansas a copy of "Jefferson's Notes on Virginia," which contains an eloquent and free-spoken condemnation of Slavery, could be convicted by one of "Sheriff Jones's" juries as having introduced a "book" containing a "sentiment" "calculated" to make the slaves "disorderly," and sentenced to five years hard labor. Probably under this provision, as well as the

charge of high treason, George W Brown, editor of the *Herald of Freedom*, at Lawrence, has, after his printing press has been destroyed by the order of Judge Lecompte's court, been himself indicted, and is now imprisoned, awaiting trial—kept, too, under such strict surveillance, far worse than murderers are treated in a civilized country, that even his mother and wife were not allowed to visit him until he had humbly petitioned the Governor for permission. And this upon the soil of a Territory which our forefathers, in 1820, in this very Hall, dedicated, by solemn compact, to "Freedom forever."

Third. The sixth amendment to the Constitution of the United States declares that, "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an IMPARTIAL jury." It is significant that, in the Constitution itself, it had been provided (article 3, section 2) that "the trial of all crimes, except in cases of impeachment, shall be by jury." But, to prevent "abuse of power," this, with other amendments, was adopted, declaring that the trial shall be by an *impartial* jury. I have already shown you how *impartially* they are to be selected by sheriffs who go about and imitate, in their conduct towards Free State men, the example of Saul of Tarsus in his persecution of the early Christians, (Acts, chapter 8, verse 3, "entering into every house, and seizing men and women, committed them to prison;") and I have quoted you a section, showing how *impartially* they are to be constituted, with men on one side only; but in this very chapter, the concluding provision, section thirteen, (page 606,) repeats this gross violation of the National Constitution, as follows:

"No person, who is conscientiously opposed to holding slaves, or who *does not admit* the right to hold slaves in this Territory, shall sit as a juror on the trial of any prosecution for any violation of any of the sections of this act."

Here, sir, in these instances which I have quoted, stand the Constitution of the United States on the one side, and the Kansas code on the other, in direct and open conflict—the one declaring that the freedom of speech shall not be abridged, that the freedom of the press shall be protected, that juries, above all things else, shall be entirely impartial; the other trampling all these safeguards under foot. And because a majority of the settlers there, driven from the polls by armed mobs, legislated over by a mob in whose election they had no agency, choose to stand by and maintain their rights under the Constitution, you have seen how anarchy and violence, how outrage and persecution, have been running riot in that Territory, far exceeding in their tyranny and oppression the wrongs for which our revolutionary forefathers rose against the masters who oppressed them; and yet, though the protection they have had from the General Government has been only the same kind of protection which the wolf gives to the lamb, they have, while repudiating the Territorial sheriffs, bowed in submission to writs in the hands of the United States marshal, or when the soldiers of the United States, yielding to orders which they do not deem it dishonorable for them to despise, assist in their execution. Such forbearance—such manifestations of their allegiance to the national authority—become the more wonderful, when it is apparent as the noonday sun that every attempt has been made to harass them into resistance to the authority of the United States, so as to furnish a pretext, doubtless, for their indiscriminate imprisonment, expulsion, or massacre.

Fourth. The Constitution also prohibits cruel and unusual punishments. I shall show, before I close, that this so-called Kansas Legislature has prescribed most cruel and unusual punishments, unwarranted by the character of the offences punished, and totally disproportioned to their criminality.

Fifth. The Constitution declares (article 1, section 9) that "the privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it." But the Kansas code, in its chapter of *habeas corpus*, (article 3, section 8, page 345,) enacts as follows:

"No negro or mulatto, held as a slave within this Territory, or lawfully arrested as a fugitive from service from another State or Territory, shall be discharged, nor shall his *right of freedom* be had under the provisions of this act."

This provision, suspending the writ of *habeas corpus* in the above cases, is not only a violation of the Constitution, but also of the organic law; for *that* provided, in section 28, for appeals to the Supreme Court of the United States on writs of *habeas corpus*, in cases involving the right of freedom, the issuing of which this Territorial law expressly prohibits. The language of the Nebraska-Kansas act is as follows:

"Except, also, that a writ of error or appeal shall also be allowed to the Supreme Court of the United States from the decision of the said Supreme Court created by this act, or of any judge thereof, or of the district courts created by this act, or of any judge thereof, upon any writ of *habeas corpus*, involving the question of *personal freedom*."

But the Kansas Legislature coolly set aside the law of the United States by which alone their Territorial organization was brought into existence, and effectually prohibited any appeal to the Supreme Court, "upon any writ of *habeas corpus*, involving the question of personal freedom," by declaring that the writ shall *not* be used in the Territory for any such purpose!

Having now referred to a few of the many acts embraced in this code, which conflict with the Constitution or the organic law, I proceed to the examination of other provisions, some of which stamp it as a code of barbarity, as well as of tyranny—of inhumanity as well as of oppression. And, first, to "the imprisonment at hard labor," which is made the punishment for "offences against the slave property," in the sections which I have already quoted. The general understanding of the people at large

has been, that, as there was no State's prison yet erected in Kansas, this imprisonment would be in some Missouri prisons near the frontier. But, sir, such is not the case. The authors of these disgraceful and outrageous enactments, with a refinement of cruelty, provided that the "hard labor" should be in another way: and that way will be found in chapter 22, entitled "an act providing a system of confinement and hard labor," section 2 of which (page 147) reads as follows:

"Every person who may be sentenced by any court of competent jurisdiction, under any law in force within this Territory, to punishment by confinement and hard labor, shall be deemed a convict, and shall immediately, under the charge of the keeper of such jail or public prison, or under the charge of such person as the keeper of such jail or public prison may select, be put to hard labor, as in the first section of this act specified, (to wit, 'on the streets, roads, public buildings, or other public works of the Territory'—[Sec. 1, page 146:] and such keeper or other person, having charge of such convict, shall cause such convict, while engaged at such labor, to be securely confined by a *chain, six feet in length*, of not less than four-sixteenths nor more than three-eighths of an inch links, with a *round ball of iron*, of not less than four nor more than six inches in diameter, attached, which chain shall be securely fastened to *the ankle* of such convict with a strong lock and key; and such keeper, or other person, having charge of such convict, may, if necessary, confine such convict while so engaged at hard labor, by *other chains*, or other means, in his discretion, so as to keep such convict secure, and prevent his escape; and when there shall be *two* or more convicts under the charge of such keeper, or other person, such convicts shall be *fastened together* by strong chains, with strong locks and keys, during the time such convicts shall be engaged in hard labor without the walls of any jail or prison."

And this penalty, revolting, humiliating, debasing as it is, subjecting a free American citizen to the public sneers and contumely of his oppressors, far worse than within the prison walls, where the degradation of the punishment is relieved by its privacy, is to be borne from two to five long years by the men of Indiana and Ohio, of New England and New York, of Pennsylvania and the far West, who dare in Kansas to declare, by speech or in print, or to introduce therein a handbill or paper, which declares, that "persons have not the right to hold slaves in this Territory." The chain and ball are to be attached to the ankle of each, and they are to drag out their long penalty for exercising their God-given and constitutionally-protected freedom of speech, manacled together in couples, and working, in the public gaze, under task-masters, to whom Algerine slaveholders would be preferable.

Sir, as this is one of the laws which the Democratic party, by its platform, has resolved to enforce, and which the President of the United States intends to execute, if need be, with the whole armed force of the United States, I have procured a specimen of the size of the iron ball which is to be used in that Territory under this enactment, and only regret that I cannot exhibit also the iron chain, six feet in length, which is to be dragged with it, through the hot summer months, and the cold wintry snows, by the Free State "convicts" in Kansas. [Here Mr. C. exhibited a large and heavy iron ball, six inches in diameter, and eighteen inches in circumference.]

Mr. Chairman, if the great men who have passed away to the spirit-land could stir themselves in their graves, and, coming back to life and action, should utter on the prairies of Kansas the sentiments declared by them in the past, how would they be amazed at the penalties that would await them on every side, for the utterance of their honest convictions on Slavery. Said Washington to John F. Mercer, in 1786:

"I never mean, unless some particular circumstance should compel me to it, to possess another slave by purchase, it being among my first wishes to see some plan adopted by which Slavery in this country may be abolished by law."

Said Jefferson, in his Notes on Virginia:

"The whole commerce between master and slave is a continual exercise of the most unremitting despotism on the one part, and degrading submission on the other." * * * "With what execration should the statesman be loaded, who, permitting one half of the citizens thus to trample on the rights of the other, transforms those into despots, and these into enemies, destroys the morals of the one part, and the amor patriæ of the other! Can the liberties of a nation be thought secure, when we have removed their only firm basis—a conviction in the minds of the people that these liberties are the gift of God? That they are not violated but by his wrath? *Indeed, I tremble for my country when I reflect that God is just, and his justice cannot sleep forever.*"

Surely such language, in the eyes of a Pro-Slavery jury, would be considered as "calculated" to render slaves "disorderly." And surely, in the language of the President and his party, "the law must be enforced." Come, then, "Sheriff Jones," with your chain and ball for each of these founders of the Republic, and, manacled together, let them, as they pursue their daily work, chant praises to "the great principle for which our revolutionary fathers fought," and of which the defenders of the Nebraska bill told us *that* law was the great embodiment.

Said Mr. Webster, in his Marshfield speech, in 1848:

"I feel that there is nothing unjust, nothing of which any honest man can complain, if he is intelligent, and I feel that there is nothing of which the civilized world, if they take notice of so humble an individual as myself, will reproach me, when I say, as I said the other day, that I have made up my mind, for one, that under no circumstances will I consent to the extension of the area of Slavery in the United States, or to the further increase of slave representation in the House of Representatives."

And again, in 1850:

"Sir, wherever there is a particular good to be done—wherever there is a foot of land to be staid back from becoming slave territory—I am ready to assert the principle of the exclusion of Slavery."

Said the noble old statesman of Kentucky, Henry Clay, in 1850:

"I have said that I never could vote for it myself; and I repeat, that I never can and never will vote, *and no earthly power* ever will make me vote, to spread Slavery over territory where it does not exist."

Surely this, too, conflicts with the law of Kansas. Hurry them, Judge Lecompte, to the chain-gang; and as they commence their years of disgraceful and degrading punishment, forget not to read them from the Nebraska bill that "its true intent and meaning" is "to leave

the people thereof perfectly free (not only free, but PERFECTLY free) to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."

There is another portion of this act to which I wish to call special attention. It is the succeeding section to the above, (sec. 3, p. 147:)

"Whenever any convict shall be employed at labor for any incorporate town or city, or any county, such town, city, or county, shall pay into the Territorial treasury the sum of fifty cents for each convict, for every day such convict shall be engaged at such labor; and whenever such convict shall be employed upon *private hiring*, at labor, it shall be at such price each, per day, as may be agreed upon with such keeper, or other person having charge of such; and the proceeds of said labor shall be collected by such keeper, and put into the Territorial treasury."

Not content with the degradation of the chain-gang, a system of WHITE SLAVERY is to be introduced by "private hiring;" and the "convicts," sentenced for the exercise of the freedom of speech and of the press, are to be hired out during their servitude, if their "keeper" sees fit, to the heartless men who this day are hunting them from their homes, and burning their dwellings over their heads. But "the laws are to be executed;" and though they are the offspring of the most gigantic fraud ever perpetrated upon a free people, if there is no change in the policy of the Government, and if the party which controls its action is not hurled from power, we shall doubtless next year see Governor Robinson (if not previously executed for treason) with the iron chain and ball to his ankle, hired from the convict-keeper by Governor Shannon to do his menial service; or to be punished, if he disobeys his master's orders, like a Southern slave. And Judge Lecompte would have the privilege, too, and would doubtless exercise it, of having Judge Wakefield as his hired serf, dragging, for two or five years to come, his chain and ball after him, as he entered his master's presence, or obeyed his master's command. And Marshal Donaldson, with "Sheriff Jones," and Stringfellow, would not certainly be behind their superiors in the retinue of Free State slaves whom they could satisfy their revenge upon by hiring as their menials from the keeper of the Kansas convicts.

There are many things in this code of which I desire to speak, but which I will not have time to allude to, as my hour is rapidly passing away, and I must hasten on. It is worthy of notice, in passing, that in no place in this code is Slavery expressly established in the Territory. Instead of leaving the people of the Territory "perfectly free to form their own institutions," Slavery is taken to be an institution already existing, as if it were already established by the Congress of the United States. In this initial legislation of the Territory, it is treated as a heretofore recognised and permanent "institution." Thus, by page 60, slaves are to be appraised like other property of a decedent; by page 298, slaves are to be taken in execution for debt; by page 432, mortgages of slaves are to be recorded; by page 556, slaves are to be taxed by the assessors; by page 630, slave owners are to be accountable for trespasses by their slaves. But nowhere in the code is to be found a single line, or section, declaring that "Slavery is hereby established." I have no idea that, even if the Legislature of Kansas was to be conceded a legal body, Slavery this day has a legal existence in the Territory. But to expect such a decision from its courts, would be to look for mercy from a Nero.

As I was examining this Sahara of legislation, to find, if possible, one oasis, my eye fell upon chapter 74, page 323, headed with the attractive title of "FREEDOM;" and I rejoiced at the certainty of finding something worthy of approval in its provisions. But, alas! it is a fit associate for the rest. By it, it appears that "a person held in slavery" *cannot sue for his freedom* till he first petitions *the court* for leave to establish *his right* to freedom. If that leave is denied, whether he is legally or illegally held in slavery, no matter how clearly he could prove his freedom, yet, if the court withholds its permission, he has no alternative but to continue in slavery till death frees him from his unjust servitude. But if the court consent, he can only go on by giving security for the costs, when it is a conceded fact that, as a slave, he has not a dollar or a copper of his own in the world, and cannot even mortgage his own labor for indemnification of his security. On page 325, section 12, of this same law, there is a singular provision:

"*If* the plaintiff be *a negro or mulatto*, he is required to prove his right to freedom."

There can be only one fair, legitimate, inference from this—and that is, that it is considered quite possible that persons *not* negroes or mulattoes—in other words, *white persons*—may happen to be held in slavery in Kansas; but the requirement of the consent of the court, and security for costs, applies to them also; and, of course, section 14 adds: "in actions prosecuted under this act, the plaintiff *shall not recover any damages*" from the person who has been thus *proven* to have held him illegally, and perhaps for years, in slavery.

The code also, to be complete, provides for *slave-flogging by law*. By the one hundred and twenty-second chapter, on page 454, patrols are to be appointed by the county boards, who are to visit negro quarters, and to watch unlawful assemblages of slaves. If slaves are found at the latter, or strolling from one plantation to another without a pass, they are to suffer ten or twenty lashes. There is one exception, and, as I desire to do impartial justice to this code, I wish to say, to be placed to the credit of the men who enacted it, that that whipping clause is not to be construed to prevent slaves from going directly to or returning from divine worship on the Sabbath. They believe, it seems, in the "stated preaching of the Gospel," and

therefore that is excepted. But, sir, when visiting, on an adjoining plantation, a woman whom her master allows him to call his wife, till he chooses to sell her and her children to some distant slaveholder, the lash is the penalty, unless he is provided with a pass.

The Constitution speaks of the value and the necessity of "*a well-regulated militia.*" And the bogus Legislature have taken pains to keep their militia "well regulated." indeed. They have not failed to keep the military force of the Territory in their own hands by some remarkable provisions, found on page 419, chapter one hundred and ten, and very truthfully entitled "An act to organize, discipline, and GOVERN, the militia of this Territory." Not one solitary jot or tittle of power is given to the people of the Territory to elect even a fourth corporal of the militia. The Governor, sir, by this law, appoints the generals and the colonels. The colonels appoint the captains. The captains appoint the sergeants, the musicians, and the corporals. And all the people have to do is to say Amen! and train when ordered. Precisely such an experiment as this was tried in Indiana some years ago, and all went off happily and smoothly until it came to the people's turn to train; which all over the State they very unanimously declined to do. There was no Lecompte in Indiana to indict the whole State for treason, and the whole matter passed off as an excellent joke, that offended no one, officers or people. But a Lecompte sits on the Kansas bench, and to refuse to obey this law is treason in his eyes.

But there is more in this chapter than meets the eye at first. It provides, in the first place, (see page 420,) that the Territory shall be divided into military divisions, and that each brigade shall consist of not less than two nor more than five regiments. It is not supposable, of course, that, in the early settlement of the Territory, there will be more than two regiments in each brigade, especially as there are two divisions of militia in the Territory, and not less than two brigades in each division. And now, sir, if you will turn to section 12, page 421, you will find that, by its cunningly-devised provisions, *one half of the people of Kansas are to be under training orders of their superior officers, bound to go wherever those officers command them,* UPON THE VERY DAY OF THE ELECTIONS *in the Territory!* That clause reads:

"SEC 12 That on the last Saturday in the month of August, in every year, the colonel or commanding officer of each regiment and separate battalion shall, by written or printed advertisements, put up or distributed fifteen days before said day, call out all company and staff officers under his command, to rendezvous at some convenient and suitable place, where they shall be formed and drilled in company order by the commandant; and at said rendezvous the commandant shall give to the officers public notice of the place where the regiment or battalion shall meet, which place shall be within his district, and the time as follows, viz: *the first regiment,* or one lowest in number *in each brigade, shall meet at ten o'clock in the forenoon on the first Monday in October,*" &c.

It adds that the next regiment in each brigade is to meet the ensuing day.

In order that there may be no misunderstanding or denial that this is the regular election day, I quote from chapter 66 of the Code, page 240:

"SEC. 1. On the first Monday in October, in the year one thousand eight hundred and fifty five and on the first Monday in October, every two years thereafter, an election for delegate to the House of Representatives of the United States shall be held, at the respective places of holding elections, in the Territory of Kansas.

SEC. 2. On the first Monday in October, in the year one thousand eight hundred and fifty-six, and on the first Monday in October in every year thereafter, an election for Representatives of the Legislative Assembly, and for all other elective offices not otherwise provided for by law, shall be held, at the respective places of holding elections, in this Territory.

"SEC 3. On the first Monday in October, in the year one thousand eight hundred and fifty-seven, and on the first Monday in October every two years thereafter, an election shall be held, at the respective places of holding elections, for members of the council."

On the very day of the election, therefore—which in every other State of the Union is something like a Sabbath, so far as ordinary business is concerned, and men are permitted to choose their own officers and legislators as they see fit, untrammelled by any power upon earth, and when men, in many States, are exempt from arrest for all offences but felony, to aid to the furthest extent in leaving the people perfectly free in the exercise of the freeman's most priceless right, the elective franchise—these citizens of Kansas are to be summoned forth by their superior officers, wherever they may choose to march them, subject to the penalties of an instant court martial, if they do not obey. For section 13 says, page 423:

"If a non-commissioned officer, musician, or private, shall be guilty of *disobedience of orders,* or disrespect to an officer, *during the time he shall be on duty,* he shall be tried by a court-martial, and fined, not less than five dollars, nor more than twenty dollars."

There is no provision in this chapter by which these officers, appointed by the Governor, are to supply the privates with tickets of an orthodox character, to be voted under their "orders;" but the selection of election-day for training-day is a coincidence that is obviously not accidental. The authority given by French generals to the army to vote as they please, but if they vote, they *must* vote for Napoleon, is to be re-enacted in Kansas; and even if the freemen of Kansas, under training orders as they are, should vote as they please, despite the reign of terror existing there, and the angry denunciations of their officers, they can be kept by those officers, as it was doubtless intended they should be, under such orders as will prevent them from protecting their ballot-boxes against the invasion which is, doubtless, this fall—as so often before—to crowd them with fraudulent votes.

Section thirteen of this same law brings all the Sharpe's rifles on the ground, where the "superior officers" can take possession of them under color of law, without fear of their contents:

"That it shall be the duty of every non-commissioned officer and private who owns a rifle, musket, or fire-lock, to appear with it in good order at every parade."

The whole country has heard, sir, of the section of the election law which allows "*inhabitants*" to vote at the general election, without requiring them to have *resided* in the Territory a single day; and of the test oaths to *sustain* the Fugitive Slave Law and the Nebraska Bill, which are intended to shut out all men opposed to both from the ballot-box. And I will quote it from page 282, because I desire to contrast its provisions with another:

"SEC. 11. Every free white male citizen of the United States, and every free male Indian who is made a citizen by treaty or otherwise, and over the age of twenty-one years, who shall be an *inhabitant* of this Territory, and of the county or district in which he offers to vote, and shall have paid a Territorial tax, shall be a qualified elector for all elective officers; and all Indians who are inhabitants of this Territory, and who may have adopted the customs of the white man, and who are liable to pay taxes, shall be deemed citizens: *Provided*, That no soldier, seaman, or marine, in the regular Army or Navy of the United States, shall be entitled to vote, by reason of being on service therein: *And provided, further*, That no person who shall have been convicted of any violation of any provision of an act of Congress, entitled 'An act respecting fugitives from justice, and persons escaping from the service of their masters,' approved February 12, 1793; or of an act to amend and supplementary to said act, approved 18th September, 1850; whether such conviction were by criminal proceeding or by civil action for the recovery of any penalty prescribed by either of said acts, in any courts of the United States, or of any State or Territory, of any offence deemed infamous, shall be entitled to vote at any election, or to hold any office in this Territory: *And provided, further*, That if any person offering to vote shall be challenged and required to take an oath or affirmation, to be administered by one of the judges of the election, that he will *sustain* the provisions of the above-recited acts of Congress, and of the act entitled 'An act to organize the Territories of Nebraska and Kansas,' approved, May 30, 1854, and shall refuse to take such oath or affirmation, the vote of such person shall be *rejected*."

Merely being an "inhabitant," if the person is in favor of the Nebraska bill, and of the Fugitive Slave Law, qualifies him as a voter in all the elections of the Territory *affecting National or Territorial politics*. The widest possible door is opened for the invaders to come over and carry each successive election as "inhabitants" for the time being of the Territory. But, turn to page 750, and notice the following provision (section 8) defining the qualifications of voters at the petty corporation elections of Lecompton:

"All free white male citizens who have arrived to the full age of twenty-one years, and who shall be entitled to vote for Territorial officers, and who shall have *resided* within the city limits at least *six months* next preceding any election, and, moreover, who shall have paid a city tax or any city license according to ordinance, shall be eligible to vote at any ward or city election for officers of the city."

Being an inhabitant a day clothes a person with the right to vote for Delegates in Congress, and Representatives in the Legislature; but to vote at an insignificant election, in comparison, six months' residence is required! Am I wrong in judging that this inverting the usual rule, shows that Missourians are wanted at the one election, but not at the other? If any one deems this opinion unjust, let him study the following sections of the General Election Law, page 283:

"SEC. 19. Whenever any person shall offer to vote, he shall BE PRESUMED *to be entitled to vote.*

"SEC. 20. Whenever any person offers to vote, his vote may be challenged by one of the judges, or by any voter, and the judges of the election may examine him touching his right to vote: *and if so examined*, NO EVIDENCE TO CONTRADICT SHALL BE RECEIVED."

Certainly these provisions explain themselves, without comment.

I will now invite your attention to a contrast in the penal code of this Territory, singular in its character, to say the very least. Section five of the act punishing offences against slave property, page 604, enacts as follows:

"If any person shall *aid or assist* in enticing, decoying, or *persuading*, or carrying away, or *sending out* of this Territory, any slave belonging to another, with intent to procure or effect the freedom of such slave, or with intent to deprive the owner thereof of the services of such slave, he shall be adjudged guilty of grand larceny, and on conviction thereof *shall suffer death*, or be imprisoned at hard labor for not less than ten years."

A person who, by a pro-slavery packed jury, is convicted of aiding in persuading out of the Territory a slave belonging to another, is to suffer at least *twice as severe* a penalty as he who is convicted of committing the vilest outrage that the mind of man can conceive of on the person of your wife, sister, or daughter! Nay, the contrast is still stronger. The jury, in the first instance, are authorized even to inflict the punishment of *death*—in the latter, see page 208, the penalty is "not less than five years." Such is the contrast in Kansas between the protection of a wife's or daughter's honor and happiness, and that which is thrown as a protecting ægis over the property of the slaveholder!

Again, on page 208, you will find that the ruffian who commits malicious mayhem, that is, without provocation, knocks you down in the street, cuts off your nose and ears, and plucks out your eyes, is punished "not less than five nor more than ten years;" the same degree of punishment that is meted out in section seven of the above act, page 605, on a person who should aid, or assist, or even "harbor," an escaped slave!

On page 209, you will find that the man who sits at your bedside, when you are prostrated by disease, and, taking advantage of your confidence and helplessness, administers *poison* to you, but whereby death does not happen to ensue, is to be punished not less than five nor more than ten years," though it is murder in the heart, if not the deed. And this is precisely the same penalty as that prescribed by the eleventh section (quoted in my remarks above, on the five violations of the Constitution) against one who but brings into the Territory any book, paper, or handbill, containing any "sentiment" "calculated," in the eyes of a Pro-Slavery jury, to make slaves "disorderly." The man who takes into the Territory Jefferson's Notes on Virginia can be, under this law, hurried away to the chain-gang, and manacled, arm to arm, with the murderous poisoner.

On page 210, the *kidnapping and confinement* of a free white person, for any purpose, even, if a man, to sell him into slavery, or if

a woman, for a still baser purpose, is to be punished "not exceeding ten years." *Decoying and enticing* away a child, under twelve years of age, from its parents, "not less than six months, and not exceeding five years." But *decoying and enticing* away (mark the similarity of the language!) a slave from his master, is punished by *death*, or confinement, not less than ten years. Here is the section, page 604:

"SEC. 4. If any person shall *entice, decoy*, or carry away out of this Territory, any slave belonging to another, with intent to deprive the owner thereof of the services of such slave, or with intent to effect or procure the freedom of such slave, he shall be adjudged guilty of grand larceny, and, on conviction thereof, *shall suffer* DEATH, *or be imprisoned at hard labor for not less than ten years.*"

I had hoped to find time to cite and comment upon other sections in this code, but I will quote but one more, showing that, while a *white* man is compelled to serve out the penalty of his crime, at hard labor, these slaveholding legislators have, in their great regard for the value of the slave's labor to his master, enacted that *a slave, for the same offence*, shall be whipped, and then returned to him. Here is the section, which I commend to the consideration of those who, while defending these laws, nickname the Republicans "nigger-worshippers." It is found on page 252:

"SEC. 27. If any slave shall commit petit larceny, or shall steal any neat cattle, sheep, or hog, or be guilty of any misdemeanor, or other offence punishable under the provisions of this act only by fine or imprisonment in a county jail, or by both such fine and imprisonment, he shall, *instead of such punishment*, be punished, if a male, by stripes on his bare back not exceeding thirty-nine, or if a female, by imprisonment in a county jail not exceeding twenty-one days, or by stripes not exceeding twenty-one, at the discretion of the justice."

Such, sir, is an impartial analysis of the code of Kansas, every allusion to which has been proven by extracts from the official copy now in my hand, and in quoting which I have referred, in every instance, to the page, the number of the section, and its exact words; and I think that the strong language at the outset of my remarks, in which I denounced this disgraceful and tyrannical code, has been fully justified by the proofs I have laid before you from its pages. Let it not be forgotten, Mr. Chairman, that it is because the people of Kansas—an overwhelming majority of the actual settlers there—refused to obey these enactments passed by a body of men elected by armed mobs of invaders—that they have been delivered over to persecutions without parallel, and to all the horrors of civil war.

Had I time, I would desire to refer to the history of events in that Territory; to the reckless and ruthless violation of plighted faith in the repeal of the Missouri Compromise, which opened the door for legislation like this; to the entire absence of any protection by the President to the settlers against personal outrage; to the repeated invasions by which the whole machinery of legislation was usurped, but the fruits of which the President upholds by cannon and bayonet, with proclamations and penalties; to the causes which led to the civil war that has existed in that Territory; to that most aggravating of all insults by which the very Jones who headed an invading party of Missourians at one of the polls, and with his revolver at the breast of an election judge, gave him five minutes to resign or die, was commissioned as a Sheriff, to ride booted and spurred over the people whose rights he had thus assisted in striking down; and many other things that make the blood of the great mass of freemen at the North course, as it never before coursed, through their veins. But I must allude, before concluding, to the mockery of relief held out to the people by the President and his coadjutors.

In his special message to Congress, on the 27th of January last, the President spoke thus:

"Our system affords no justification of revolutionary acts; for the constitutional means of relieving the people of unjust administrations and laws, by a change of public agents and by repeal, ARE AMPLE."

And in his speech, as reported in the *Union* of June 10, made to the Buchanan ratification meeting, who marched to the White House, he coolly told them:

"There will be, on your part, no appeal to unworthy passions, no inflammatory calls for a second revolution, like those which are occasionally reported as coming from men who have received nothing at the hands of their Government but protection and political blessings, no declaration of resistance to the laws of the land."

But I will not stop to allude to the "protection and political blessings" which the people of Kansas have received from the "hands of their Government." It was bitter irony indeed.

Judge Douglas, too, at the same meeting, speaking of the Kansas laws, declared as follows:

"Or, if they desire to have any of the laws repealed, let them try to carry their point at the polls, and let the majority decide the question."

Never, sir, was there a more signal instance of "holding the word of promise to the ear, and breaking it to the hope." Where are the "*ample*" means of obtaining relief from the undurable tyranny that grinds down the Free State men of Kansas into the dust? How *can* they "carry their point at the polls?" Let facts answer:

1. The Council, which passed these laws, has extended its term of service till 1858; so that, if the entire representative branch was unanimous for their repeal, the higher branch has the power to prevent the slightest change in them for *two long years!*

2. The Free State men in Kansas are absolutely shut out from the polls by test oaths, which no one with the soul of a freeman, who traces all the outrages there directly to the enactment of the Nebraska bill, can conscientiously swear to.

3. Even if they do go there, and swear to sustain the Nebraska bill and the Fugitive Slave Law, the election law is purposely framed, as I have shown, to invite invasions of Missourians, to control the elections in favor of Slavery.

4. They are driven from the jury-box, as well as disfranchised, and prohibited from acting as attorneys in the courts, unless they take the test oath prescribed by their conquerors.

5. Free speech is not tolerated. They are left "perfectly free to form and regulate their domestic institutions in their own way," except, if they speak a word *against* Slavery, they are convicted of felony, and hurried to the chain-gang.

6. The presses in the Territory, at Leavenworth and Lawrence, in favor of Freedom, have been destroyed, and the two last by the authority of the court of Judge Lecompte, thus "crushing out" the freedom of the press.

7 Indictments are found by packed juries against every prominent Free State citizen; and those who are not forced to flee from the Territory, are arrested and imprisoned, while those who have stolen from Free State men, tarred and feathered them, burned their houses, or murdered them, go at large, unpunished.

In such a state of affairs as this, to talk of going to the polls and having the laws repealed, is worse than a mockery. It is an insult. It is like binding a man hand and foot, throwing him into the river, and then telling him to swim on shore, and he will be saved. It is like loading a man with irons, and then telling him to run for his life. The only relief possible, if Kansas is not promptly admitted as a State, which I hope may be effected, is in a change of the Administration and of the party that so recklessly misrules the land; and *that* will furnish an effectual relief.

As I look, sir, to the smiling valleys and fertile plains of Kansas, and witness there the sorrowful scenes of civil war, in which, when forbearance at last ceased to be a virtue, the Free State men of the Territory felt it necessary, deserted as they were by their Government, to defend their lives, their families, their property, and their hearthstones, the language of one of the noblest statesmen of the age, uttered six years ago at the other end of this Capitol, rises before my mind. I allude to the great statesman of Kentucky, Henry Clay. And while the party which, when he lived, lit the torch of slander at every avenue of his private life, and libelled him before the American people by every epithet that renders man infamous, as a gamester, debauchee, traitor, and enemy of his country, are now engaged in shedding fictitious tears over his grave, and appealing to his old supporters to aid by their votes in shielding them from the indignation of an uprisen people, I ask them to read this language of his, which comes to us as from his tomb to-day. With the change of but a single geographical word in the place of "Mexico," how prophetically does it apply to the very scenes and issues of this year! And who can doubt with what party he would stand in the coming campaign, if he was restored to us from the damps of the grave, when they read the following, which fell from his lips in 1850, and with which, thanking the House for its attention, I conclude my remarks.

"But if, unhappily, we should be involved in war, in *civil war* between the two parts of this Confederacy, in which the effort upon the one side should be to *restrain the introduction of Slavery into the new Territories*, and upon *the other side to force* its introduction there, what a spectacle should we present to the astonishment of mankind, in an effort, not to propagate rights, but—I must say it, though I trust it will be understood to be said with no design to excite feeling—a war to propagate wrongs in the Territories thus acquired from Mexico! It would be a war in which we should have no sympathies, no good wishes—*in which all mankind would be against us;* for, from the commencement of the Revolution down to the present time, we have constantly reproached our British ancestors for the *introduction* of Slavery into this country."

APPENDIX.

Below will be found extracts from speeches made during the present session of Congress, by Democratic members, all of whom are actively supporting Mr. Buchanan's election; and four out of the five are *Northern* Democrats.

The following is from the speech of Judge WARNER, of Georgia, delivered in the House of Representatives on the 1st of April, 1856; and not only corroborates one of the Northern arguments against the extension of Slavery, (that it exhausts and blights the soil,) but also proves that even if Kansas was conceded to the "peculiar institution," it would still need more, and would demand more:

"There is not a slaveholder, in this House or
'out of it, but who knows perfectly well that
'*whenever Slavery is confined within certain special*
'*limits, its future existence is doomed;* it is only a
'question of time as to its final destruction. You
'may take any single slaveholding county in the
'Southern States, in which the great staples of
'cotton and sugar are cultivated to any extent,
'and confine the present slave population within
'the limits of that county. Such is the rapid
'natural increase of the slaves, and THE RAPID
'EXHAUSTION OF THE SOIL in the cultivation of
'those crops, (which add so much to the commercial wealth of the country,) that in a few
'years it would be impossible to support them
'within the limits of each county. *Both master*
'*and slave would be starved out;* and what would
'be the practical effect in any one county, the
'same result would happen to all the slaveholding States. SLAVERY CANNOT BE CONFINED within
'certain specified limits WITHOUT PRODUCING THE
'DESTRUCTION OF BOTH MASTER AND SLAVE. IT
'REQUIRES FRESH LANDS, plenty of wood and
'water, not only for the comfort and happiness of
'the slave, but *for the benefit of the owner.* We
'understand perfectly well the practical effect
'of the proposed restriction upon our rights,
'and to what extent it interferes with Slavery
'in the States; and we also understand the *ob-*
'*ject* and *purpose* of that interference. If the
'slaveholding States should ever be so regardless of their rights, and their honor, as coequal States, to be willing to submit to this proposed
'restriction, for the sake of harmony and peace,
'they could not do it. There is a great, over-
'ruling, practical necessity which would prevent

'it. They ought not to submit to it upon *prin-*
'*ciple* if they could, and could not if they would.

"It is in view of these things, sir, that the 'people of Georgia have assembled in convention, 'and *solemnly resolved that, if Congress shall pass* '*a law excluding them from the common Territory* '*with their slave property, they will disrupt the ties* '*that bind them to the Union.*"

The following extracts are from the speech of Judge Douglas, delivered in the Senate, March 20, 1856, and published in the Washington *Union*, (tri-weekly edition,) of April 3d, 1856:

"In reply to all of this, I have only to say, that 'the majority of the committee are of the opin-'ion that things should be called by their right 'names—that revolution should be checked—'that rebellion should be put down—that insur-'rection should be suppressed—and that the 'Government should use with firm hand and 'steady nerve *whatever force may* be necessary to 'maintain the supremacy of the laws against all 'organized resistance, from whatever quarter it 'may come.

"In this connection it is worthy of remark 'that the particular acts of the Legislature 'which have been forcibly resisted, and for 'violation of which the prisoners have been 'rescued from the officers, are not the same laws 'that are represented as being barbarous and 'oppressive. Of the vast number of enactments 'affecting almost every relation in life, and fill-'ing a volume of nearly one thousand pages, '*only two are complained of as being unjust and* '*oppressive.* These are the statutes in regard to 'the elections and slaves.

"*All of the others*, so far as we have been in-'formed *are* ENTIRELY UNOBJECTIONABLE, *and well* '*adapted to the promotion and protection of the* '*best interests of society.*"

* * * * * * * *

"A word or two more on another point, and I 'will close. My colleague has made an assault 'on the President of the United States, for his 'efforts to vindicate the supremacy of the laws, 'and *put down insurrection* and rebellion in the 'Territory of Kansas. In my opinion, the Presi-'dent of the United States is entitled to the 'thanks of the whole country, for the prompt-'ness and energy with which he has met the 'crisis. It was his imperative duty to maintain 'the supremacy of the laws, and see that they 'were faithfully executed. It was his duty to 'suppress rebellion and put down treason. My 'colleague says that it will be necessary to catch 'the traitor before the President can hang him. 'My opinion is, that, from the signs of the times, 'and in view of all that is passing around us, as 'well as at a distance, there will be very little 'difficulty in *arresting the traitors*—and that, too, 'without going all the way to Kansas to find 'them! [Laughter.] This Government has shown 'itself the most powerful of any on earth in all 'respects except one. It has shown itself equal 'to foreign war or to domestic defence—equal 'to any emergency that may arise in the exer-'cise of its high functions in all things *except the* '*power to hang a traitor.*"

On the 12th of March, the day that the majority and minority reports from the Committee on Territories were made to the Senate, Judge DOUGLAS, in the course of a reply to remarks by Mr. Sumner, spoke as follows:—(See Daily *Congressional Globe*, March 13th, 1856, 5th column of second page.)

"The minority report advocates foreign interference; we advocate self-government and non-'interference. We are ready to meet the issue; 'and there will be no dodging. We intend to meet 'it *boldly:* TO REQUIRE SUBMISSION TO THE LAWS 'and to the constituted authorities; TO REDUCE 'TO SUBJECTION THOSE WHO RESIST THEM, AND TO 'PUNISH REBELLION *and treason.* I am glad that 'a defiant spirit is exhibited here; *we accept the* 'issue."

On the 26th of May, 1856, Senator PUGH, of Ohio, a Northern Democrat, speaking of the Kansas Code of Laws, remarked:—(See Appendix to *Congressional Globe*, page 610.)

"Sir, *I regret the necessity* for such legislation; 'but WHEREVER SLAVERY EXISTS AS AN INSTITUTION, '*laws of that character must be adopted.*"

This was spoken in that portion of his remarks directly following and commenting upon the 11th section of the act punishing offences against slave property, quoted in the foregoing speech under the head of the *second* violation of the Constitution.

On the 13th of May, 1856, J. GLANCY JONES, of Pennsylvania, one of the leading Democratic members of the House, and a champion of the interests of Mr. Buchanan, then a candidate before the Democratic National Convention, about to assemble, defended him against speeches that had been made against him. [I would add, that all the extracts in this Appendix are from editions of speeches *revised by their authors.*]

"All such accusations as these against Mr. 'Buchanan, are answered by thirty-six years of 'devotion to the Constitution of the United 'States.

"They are answered by the fact, that, twenty 'years ago, in the Senate of the United States, 'he was among *the first Northern men* to resist the 'inroads of Abolitionism.

"They are answered by his opposition to 'the circulation of insurrectionary documents, 'through *the mails* of the United States, among 'the slaves of the South.

"They are answered by his determined sup 'port of the bill admitting *Arkansas* into the 'American Union.

"They are answered by his *early support of* '*the annexation of Texas.*

"They are answered by his PERSEVERING *sup-*'*port of the Fugitive Slave Law.*

"They are answered by his energetic efforts 'to effect the repeal of the law of the State of 'Pennsylvania, denying to the Federal authori-'ties the use of her *prisons for* the detention of '*fugitive slaves.*

"They are answered by his EARLY *and unyielding opposition to the Wilmot Proviso.*

"They are answered by *every vote he gave in* '*the American Congress on the question of Slavery*, 'and by the fact, that, of all Northern men, he 'he has been among *the most prominent* in assert-

'ing and defending a strict construction of the 'Federal Constitution."

This speech was extensively circulated; and, it is believed, did more towards effecting Mr. Buchanan's nomination at the Cincinnati Convention, three weeks afterwards, than all other efforts in his favor combined.

The following extracts are from the speech of Mr. CADWALADER, of Pennsylvania, another prominent and influential friend of Mr. Buchanan's, delivered in the House, March 5th, 1856:

"We are soon to be divided into sixty, or, more 'probably, seventy States, if the normal conditions 'of our country's progress can be fulfilled. These 'conditions of our progress, and of its attendant 'happiness and prosperity, *cannot* be fulfilled *un-'less the legislation on the subject of Slavery in the 'Territories* is to be regulated, under the Constitu-'tion, *with a due regard to the rights and interests 'of the slaveholding States*, which the Constitution 'purports to secure."

* * * * * * *

"After the Mexican war, an attempt was un-'successfully made to apply again the principle 'of these partitions to new territorial acquisitions. 'This attempt failed, because, as I will presently 'have occasion to show, local considerations 'rendered the principle inapplicable. We were 'driven by necessity to adopt here the nominal 'principle of common possession with common 'enjoyment. But as *the Mexican laws locally in 'force had excluded Slavery from these Territories*, 'the application of this principle to them was 'illusory, so far as any possibility of participation 'in their further settlement by slaveholders might 'be concerned. Property in *slaves* was thus, *in 'effect, excluded wholly* from their limits."

"The principle of the former partitions having 'become inapplicable, and *slaveholding settlers 'having been altogether excluded from this territory, 'the slaveholding States were, of right, entitled to* AN 'INDEMNIFICATION *for their loss, if it could be afforded* 'BY GIVING THEM ACCESS, WITH THEIR SLAVES, TO 'OTHER TERRITORY. If such access could be given 'without any violation of existing rights of others 'in such territory, there could be no just cause 'for its denial. This was true, although their 'exclusion from the territory acquired from Mexi-'co might have been the result of unavoidable 'causes, for which the United States were not re-'sponsible. *Equal participation in the beneficial 'enjoyment of* THIS *territory having become impossible*, and the whole benefit of its enjoyment having, 'from the first, enured to one class of its common proprietors, *the other class ought to receive* AN IN-'DEMNIFICATION *from some other portion of the 'common property.* THIS PRINCIPLE *was the moral 'basis of that praiseworthy legislation of* 1854 'which the Chairman of the Committee on Ter-'ritories has most injudiciously denominated a '"conspiracy against Freedom."'

[The above argument completely overthrows the plea that the Nebraska bill of 1854 was framed *in accordance* with the principles of the Compromise of 1850. Mr. C. contending that by leaving the Mexican laws in force in the Territories legislated for in 1850. Slavery was kept out of them, and that the Nebraska bill of 1854 was "AN INDEMNIFICATION" to the slaveholders "*for their loss*" in the former Compromise!]

But here are two more extracts from this same speech, which may throw light on "the true intent and meaning of the Nebraska bill:

"To the northward of the latitude 40°, climate 'and other considerations made Slavery practi-'cally out of the question. To the southward 'of 36° 30′, on this side of the Rocky moun-'tains, except in that portion of what was taken 'from Texas and annexed to New Mexico in '1850, *the institution of Slavery is now established.* 'From all parts of our country to the westward 'of the Rocky mountains, it is excluded. This 'exclusion is probably permanent. *The Terri-'tory of Kansas*, lying westward of the State of 'Missouri, between the parallels of latitude 37° 'and 40°, is, therefore, now the only space in 'which the question of Slavery is to be regarded 'as of any practical importance."

"The question is, whether the force of a nu-'merical majority from the Northern States can 'be rightfully exercised, in order *to deprive our 'Southern brethren of the privilege* OF FREE ACCESS, 'WITH THEIR SLAVES, TO THIS TERRITORY—a Ter-'ritory, be it remembered, *within degrees of lati-'tude which, to the eastward of its limits, include 'already five slaveholding States*, and much more 'land of slaveholders than land from which Sla-'very is excluded."

* * * * * * *

"Should Kansas become a slaveholding Terri-'tory, AND ULTIMATELY BE DIVIDED INTO TWO OR 'THREE SLAVEHOLDING STATES, Nebraska and Min-'nesota must nevertheless be divided into ten or 'eleven non-slaveholding States. [?] It should 'be our hope and prayer that these future States 'may be organized in such a manner that their 'inhabitants may retain *the good-will and fellow-'ship of the people of the slaveholding States*, and 'maintain the stability of the Union."

WASHINGTON, D. C.
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1856.